REMARKS

Applicants acknowledge with appreciation the telephonic interviews with the Examiner on February 5, 2007 and February 21, 2007, during which the foregoing claim amendments and following rejections were discussed.

Claims 11, 14, 21-25 and 27-32 were pending in the application. Claims 11 and 27 have been amended. Accordingly, upon entry of the instant response, claims 11, 14, 21-25 and 27-32 will remain pending in the application.

Support for the amendments to the claims can be found throughout the specification and the claims as originally filed. Specifically, support for the amendment to claims 11 and 27 is available at least, for example, at page 2, lines 14-17; page 7, lines 28-30; and page 15, line 29 through page 17, line 22.

No new matter has been added. Any amendment of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was performed solely in the interest of expediting prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Rejection of Claims 11, 14, 21-25 and 27-32 Under 35 U.S.C. § 102(b)- Anticipation

The Examiner has maintained the rejection of claims 11, 14, 21-25 and 27-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No.: 5,320,861. Specifically, the Examiner asserts that "[t]he cranberry extract analyzed in Table 12 [of the present specification] is prepared using the method set forth in US '861; thus, the extract analyzed in Table 12 is the same extract set forth in US '861" (page 2 of the present Office Action). As such, the Examiner concludes that "US '861 clearly anticipates the claimed composition because...the product of U.S. '861 is the product used in the invention."

Applicants respectfully traverse the foregoing rejection. However, to expedite prosecution, Applicants have amended claims 11 and 27 to specify that the compound encompassed by the pending claims is "present in a greater amount than that found in a cranberry presscake." As such, the claimed composition does not comprise the same extract as

set forth in U.S. Patent No.: 5,320,861 (*i.e.*, the Tomah presscake) and is instead enriched for a compound *above* and *beyond* the amounts found in a cranberry presscake.

Although Applicants acknowledge that the initial step in the preparation of the claimed cranberry extract can use the methods of U.S. Patent No.: 5,320,861, the present application describes additional methods and techniques for further isolating individual compounds from the extract, as well as methods for enriching and "'scal[ing] up' the quantity of the isolated components." For example, at page 15, line 29 through page 17, line 22, Applicant teaches a wide variety of techniques (*i.e.*, solvent extractions, gas liquid chromatography, gas solid chromatography, high pressure or high performance liquid chromatography (HPLC) (*e.g.*, normal, reverse, or chiral), ion exchange chromatography, or size exclusion chromatography) to isolate and concentrate particular compounds in "sufficient and pure quantities", above and beyond the amounts of the same compounds found in the Tomah presscake. As such, the claimed compositions do not merely contain the cranberry extract described in U.S. Patent No.: 5,320,861.

Further, the claimed compositions contain individual compounds which have been isolated, enriched above the levels of those particular compounds found in the Tomah presscake, and selected for formulation into the composition based on their unique therapeutic properties. Importantly, the claimed invention requires that the composition comprise these compounds "in an amount effective to treat or reduce the risk of acquiring a cancer or hypercholesterolemia." In contrast, the extract described in U.S. Patent No.: 5,320,861 does not comprise the novel ratios and/or combinations of isolated and enriched compounds which are greater in amount than those found in the Tomah presscake. Nor does it teach that the extracts should be formulated "in an amount effective" to achieve the claimed biological effect recited in the claims. As such, the extract described in U.S. Patent No.: 5,320,861 does *not* teach each and every limitation of the claimed invention, nor would it inherently have the same function as the claimed invention. Accordingly, the claimed invention is not anticipated by U.S. Patent No.: 5,320,861.

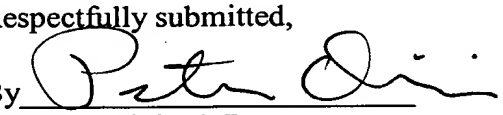
Based on the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

CONCLUSION

In view of the foregoing, entry of the amendments and remarks herein, reconsideration and withdrawal of all rejections, and allowance of the instant application with all pending claims are respectfully solicited. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Dated: March 16, 2007

Respectfully submitted,

By 

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